



## **EXECUTIVE ORDER**

WHEREAS, the citizens of Baltimore have a right to expect that City government will operate with maximum efficiency, accountability, and integrity; and

WHEREAS, the values of efficiency, accountability, and integrity are best able to thrive in government when there are mechanisms in place specifically addressed to promoting these values; and

WHEREAS, persons charged with preventing fraud, waste, and abuse of office in government must be able to investigate vigorously and speak candidly without fear of retribution; and

WHEREAS, persons charged with promoting efficiency, accountability, and integrity in government must themselves exemplify these values;

NOW THEREFORE, I, MARTIN O'MALLEY, Mayor of the City of Baltimore, by virtue of the authority vested in me, do hereby issue the following Executive Order:

BE IT ORDERED that the Office of the Inspector General is established and will function as follows:

### *Establishment of the Office of the Inspector General*

1. There shall be within the Department of Law an Inspector General of the City of Baltimore.

### *Responsibilities of the Inspector General*

2. The Inspector General shall be responsible for
  - (a) the promotion of efficiency, accountability, and integrity in City government; and

- (b) the investigation of complaints of fraud, waste, and abuse of Office in City government.

#### *Duties of the Inspector General*

- 3. The Inspector General shall
  - (a) record and consider all complaints of fraud, waste, or abuse of office involving
    - (1) any municipal officer, including all heads of City departments, agencies, bureaus, and authorities and all persons exercising comparable authority;
    - (2) any member of a City board or commission;
    - (3) any City employee;
    - (4) any individual, organization, or business receiving City-granted funds or other benefits, including, but not limited to, loans, grants, tax credits, below market rate property transfers, Tax Increment Financing, Payments in Lieu of Taxes, or other City subsidies of any kind;
    - (5) any individual, organization, or business providing goods or services to the City pursuant to a contract; or
    - (6) any individual, organization, or business seeking certification of eligibility to provide goods or services to the City pursuant to a contract.
  - (b) establish procedures for receiving such complaints; and
  - (c) take appropriate steps to build public awareness of the Office of the Inspector General and of all procedures established by the Inspector General for receiving complaints pursuant to subsection (b).
- 4. The Inspector General shall provide information to City employees about the identification and prevention of fraud, waste, and abuse of office in City government.
- 5. The Inspector General shall, on any matter of policy or practice, make recommendations to the Mayor or to the head of any City department or agency, if the Inspector General believes that the implementation of such recommendation would assist in the promotion of efficiency, accountability, and integrity in City government.

#### *Duties of City Employees and Persons Doing Business with the City*

- 6. Any municipal officer, member of a City board or commission, City employee, individual providing goods or services to the City, or employee of an organization or business providing goods or services to the City who receives a complaint within the scope of matters described in section 3(a) shall immediately refer such complaint to the Inspector General.

7. Any municipal officer, member of a City board or commission, City employee, individual providing goods or services to the City, or employee of an organization or business providing goods or services to the City who has knowledge of an incident of fraud, waste, or abuse of office shall report all relevant information to the Inspector General.

*Complaint and Investigation*

8. (a) Upon receipt of a complaint within the scope of matters described in section 3(a), the Inspector General shall determine whether the complaint is suitable for informal resolution.
- (b) A complaint is not suitable for informal resolution if it
- (1) involves allegations of criminal wrongdoing; or
  - (2) involves the conduct of a municipal officer.
- (c) The Inspector General may refer any complaint suitable for informal resolution to the head of the appropriate department, agency, bureau, or authority.
- (d) When the Inspector General refers a complaint for informal resolution pursuant to subsection (c), the person to whom the complaint is referred shall, within 40 days, report in writing the result of the informal resolution to the Inspector General.
- (e) Upon receipt of a report described in subsection (d), the Inspector General may request that the head of the department, agency, bureau or authority making the report take any further action that the Inspector General deems appropriate.
- (f) The Inspector General may, at any time, discontinue informal resolution of a complaint and initiate a formal investigation pursuant to section 10.
9. (a) The Inspector General shall refer to the Board of Ethics any complaint that alleges a violation of Article 8 of the Baltimore City Code.
- (b) The Inspector General shall investigate a complaint referred to the Board of Ethics pursuant to subsection (a) only to the extent that
- (1) the Board of Ethics requests that the Inspector General conduct an investigation of the complaint; or
  - (2) the complaint contains matters not within the jurisdiction of the Board of Ethics.
10. The Inspector General shall undertake a formal investigation of all complaints within the scope of matters described in section 3(a), except to the extent that the complaint is
- (a) under referral for informal resolution pursuant to section 8; or
  - (b) under referral for resolution by the Board of Ethics pursuant to section 9.

11. The Inspector General may undertake a formal investigation of any matter if it appears to the Inspector General that such matter falls within the scope of responsibilities described in section 2. The City Solicitor shall have no authority to limit the scope of the Inspector General's investigations.

12. (a) The Inspector General may, with the approval of the City Solicitor, hire employees of the Office of the Inspector General who shall be compensated as provided in the Ordinance of Estimates.

(b) When the Inspector General undertakes a formal investigation pursuant to section 10 or section 11, he or she may request that the City Solicitor appoint members of the staff of the Department of Law to assist in the investigation.

13. All municipal officers and City employees shall promptly provide to the Inspector General any information, document, report, record, account, or other material requested by the Inspector General in connection with any formal investigation pursuant to section 10 or section 11, provided, however, that the Inspector General shall not become a custodian of such material for purposes of the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*

14. (a) In connection with an investigation pursuant to this Article, the Inspector General may, with the approval of the City Solicitor, issue a subpoena

(1) to require any person to appear under oath as a witness;  
or

(2) to require the production of any information, document, report, record, account, or other material.

(b) The Inspector General may enforce any subpoena issued pursuant to subsection (a) in any court of competent jurisdiction.

#### *Reporting and Referral*

15. (a) A complainant who provides his or her name, address, and phone number to the Inspector General may request that the Inspector General inform him or her of any action taken in response to the complaint.

(b) If a request is made pursuant to subsection (a), the Inspector General shall notify the complainant, to the extent permitted by law, of any action taken in response to the complaint.

(c) The Inspector General shall not, however, disclose to any person any confidential personnel information pertaining to any municipal officer or City employee.

16. Except as provided in section 20, the Inspector General shall provide a report of the findings of any formal investigation pursuant to section 10 or section 11 to the Mayor and to the City Solicitor.

17. If, after formal investigation, the Inspector General determines that there is reason to believe that a criminal act occurred, the Inspector General shall refer such complaint to the appropriate prosecutorial authority.

18. If, after formal investigation, the Inspector General determines that the complaint may involve conduct by a City employee subject to disciplinary sanction, the Inspector General shall

(a) in the case of an at-will employee, refer the matter to the head of the department, agency, bureau, or authority in which the employee works; or

(b) in the case of a civil service employee, refer the matter to the Civil Service Commission.

19. (a) Any record generated by the Inspector General or a person acting under the authority of the Inspector General pursuant to an investigation of the conduct of a municipal officer, member of a City board or commission, or City employee shall be deemed a personnel record for purposes of the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*

(b) The following shall be deemed records of an investigation of a city attorney for purposes of the Maryland Public Information Act:

(1) any record of any complaint received by the Inspector General;

(2) any record generated by the Inspector General or a person acting under the authority of the Inspector General in response to a complaint received by the Inspector General;

(3) any report to the Inspector General prepared pursuant to section 8(d);

(4) any record generated by the Inspector General or a person acting under the authority of the Inspector General in connection with a formal investigation pursuant to section 10 or section 11.

(c) Any person who makes a complaint to the Inspector General shall be deemed a confidential source for an investigation of a city attorney for purposes of the Maryland Public Information Act.

20. The Inspector General shall not disclose to any person the identity of any complainant without the consent of that complainant, except when required by law.

*Retaliation Prohibited*

21. No person shall retaliate or threaten to retaliate against any person for complaining to, submitting information to, or cooperating in any way with the Inspector General.

*Annual Report*

22. (a) No later than September 1 of each year, the Inspector General shall provide a formal report to the citizens of Baltimore of all of the activities of the Office of the Inspector General during the preceding twelve months.

(b) All reports prepared pursuant to subsection (a) shall include the number of complaints received, the number referred for informal resolution, the number referred to the Board of Ethics, the number for which a formal investigation was undertaken, and the number of those formally investigated in which the Inspector General found that fraud, waste, or abuse of office had occurred.

(c) A report prepared pursuant to subsection (a) shall not disclose any information that, if contained in a public record, would be exempt from disclosure pursuant to the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*

IN WITNESS WHEREOF, I HAVE  
HEREUNTO PLACED MY HAND  
THIS 27<sup>th</sup> DAY OF JULY, 2005.

A handwritten signature in black ink, appearing to read "Martin O'Malley", is written over a horizontal line.

MARTIN O'MALLEY, MAYOR  
CITY OF BALTIMORE